

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR REGENERATIVE  
MEDICINE, and STEM CELL & REGENERATIVE  
MEDICINE INTERNATIONAL, INC.,

Plaintiffs,

V.

IMSTEM BIOTECHNOLOGY, INC., XIAOFANG WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239-ADB

**DEFENDANTS' ASSENTED-TO MOTION FOR LEAVE TO FILE UNDER SEAL  
OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED  
COMPLAINT AND EXHIBITS THERETO**

Pursuant to L.R. 7.1(b)(3), Defendants ImStem Biotechnology, Inc., Xiaofang Wang, and Ren-He Xu (collectively, “Defendants”) respectfully request that the Court grant them leave to file under seal their Opposition to Plaintiffs’ Motion to For Leave to File An Amend Complaint (Dkt. 96) and exhibits in support of such Opposition, which is to be filed by September 26, 2019. Counsel for Plaintiffs have indicated that they assent to the relief sought herein.

Under the Protective Order entered in this case, the parties may designate certain information as “Confidential” or “Highly Confidential,” which means it cannot be disclosed without a court order. (Dkt. 55 at § V.B). As such, Defendants seek to file under seal: (1) their Opposition, which includes discussion of Plaintiffs’ sealed opening brief and related exhibits; and (2) the following additional documents, which have been designated under the Protective Order:

1. Excerpts from the June 18, 2019 deposition of Erin Kimbrel;

2. Excerpts from the June 20, 2019 deposition of Robert Lanza;
3. Excerpts from the July 3, 2019 deposition of Ren-He Xu;
4. Excerpts from the June 14, 2019 and July 29, 2019 depositions of Xiaofang Wang; and/or
5. Up to seven documents the Plaintiffs produced in this case.

Pursuant to L.R. 7.2(a), Defendants believe the aforementioned materials can and should be de-designated and published immediately but, for purposes of timely filing their Opposition, request that they be filed now under seal. *Cf.* (Dkt. 55 at §3(b) (burden is on designating party)).

Defendants likewise request leave to file publicly a redacted version of their Opposition brief and exhibits thereto, redacting Confidential and Highly Confidential Information.

**WHEREFORE**, Defendants respectfully request the Court grant their Assented-To Motion for Leave to File Under Seal Opposition to Plaintiffs' Motion to File Amended Complaint and Exhibits Thereto.

Dated: September 20, 2019

Respectfully submitted,

IMSTEM BIOTECHNOLOGY, INC., REN-  
HE XU and XIAOFANG WANG,

By their Attorneys,

/s/ Benjamin M. Stern

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I hereby certify that, on September 20, 2019, counsel for Defendants conferred with Counsel for Plaintiffs in a good faith effort to narrow or resolve the issues raised in the instant motion. Counsel for Plaintiffs indicated they do not oppose the relief sought by the instant Motion.

Dated: September 20, 2019

/s/ Benjamin M. Stern

Benjamin M. Stern

**CERTIFICATE OF SERVICE**

I hereby certify that I caused this document to be filed through the CM/ECF system, to be sent electronically to the registered participants, and paper copies to be sent to those indicated as nonregistered participants on the date below.

Dated: September 20, 2019

/s/ Benjamin M. Stern

Benjamin M. Stern